

Regular Meeting of January 25, 2011
One Twin Pines Lane, Belmont, CA, and
Hampton Inn Buffalo – Williamsville, 5455 Main Street, Business Center, Williamsville, NY
(Teleconference location of Councilmember Lieberman)

REGULAR MEETING - 7:40 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Feierbach, Warden, Lieberman (arrived via phone at 8:00 P.M.),
Wozniak, Braunstein

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Scoles, City Attorney Zafferano, Finance Director Fil, Human Resources Director Dino, Police Chief Mattei, Fire Chief Fry, Community Development Director de Melo, Parks and Recreation Director Gervais, City Treasurer Violet, Deputy Finance Director Lazzari, Police Captain DeSmidt, City Clerk Cook.

PLEDGE OF ALLEGIANCE

Led by Mayor Feierbach

SPECIAL PRESENTATIONS

Presentation from San Mateo Kinship Support Network

Jamila McCallam, Kinship Program Director, described the Kinship Support Network that assists children who are not in the foster care system. She noted that this program provides services that enable children to stay with family members.

Proclamation In Recognition for Outstanding Public Service of Marc Zafferano, City Attorney

Mayor Feierbach presented the Proclamation for Outgoing City Attorney, Marc Zafferano.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Mayor Feierbach announced that January 28 was the deadline for the Commission application process. She also announced that plans are under way for a ribbon cutting ceremony for the newly-refurbished Emmett House.

Councilmember Warden suggested that the ceremony be held on a weekend to maximize the public's ability to attend.

Councilmember Wozniak clarified that the 2005 Conditional Use Permit for Koret Field is still in force until 90 days after the Council's action on the revised Permit.

Councilmember Warden protested Councilmember Lieberman's participation in the meeting. He stated that he had contacted Councilmember Lieberman, who advised that he had posted the agenda at his hotel room and also at the desk in the Business Center, which was the remote location

designated on the Agenda for this meeting. Councilmember Warden further advised that he was told by the hotel staff that the agenda was not located in the Business Center. He requested clarification as to the definition of posting an agenda.

City Attorney Zafferano responded that there is very little in the law addressing posting requirements for remote locations.

At this time, Councilmember Lieberman joined the meeting via teleconference. He explained that he had posted the agenda at his room and in the Business Center, and he was currently located in the Business Center as noted on the agenda. He stated that it is possible the agenda had been removed from the Business Center by hotel staff.

CONSENT CALENDAR

Motion Accepting FY 2012 Budget Calendar

Motion to Accept Informational Report for the U.S. Highway 101 Pedestrian/Bicycle Bridge Project, City Contract Number 433

Approval of Resolution 10314 Approving Plans and Specifications, Authorizing Advertisement for Sealed Bids, Approving Award of Contract to the Lowest Responsible Bidder for an Amount not to Exceed \$75,000, Approving a Ten Percent Construction Contingency, and Authorizing the City Manager to Execute a Contract for the Ralston Avenue Curb Ramp Project – Phase I, City Contract Number 504

Approval of Resolution 10315 Accepting a Grant Deed From Carolyn Guerra For Real Property Consisting of Five Legal Parcels On Alhambra Drive (APN's 043-165-030, 043-165-040, 043-165-050, 043-165-060 and 043-165-070)

Approval of Resolution 10316 Recognizing Outstanding Public Service of Marc Zafferano, City Attorney

Approval of Resolution 10317 Adopting a Negative Declaration of Environmental Impacts for the 2007-2014 Housing Element

ACTION: On a motion by Councilmember Wozniak, seconded by Councilmember Warden, the Consent Agenda was unanimously approved by a roll call vote.

OLD BUSINESS

Review and Discussion of Final Draft of Belmont Sign Ordinance Amendments

Community Development Director de Melo stated that since September of 2009 the Planning Commission held nine Commission and community meetings on this matter. He described the outreach that has taken place with the business community, and outlined the communications received regarding the proposed changes to the ordinance. He explained that the ordinance proposes to consolidate all sign regulations, including political signs, which is currently located in the Municipal Code. He outlined the goals of the regulations, and noted that code enforcement will be important.

Mayor Feierbach thanked Planning Commissioners Frautschi and Mercer for their efforts on the community outreach on this matter.

In response to Council questions, City Attorney Zafferano clarified that new billboards would be prohibited, and that the proposed ordinance addresses existing billboards, which would be allowed to remain. He noted that the City can control billboard content on public lands but not on private lands. He further clarified that the City could allow new billboards only in certain zoning districts, should it so desire.

Community Development Director de Melo explained that temporary signs are most likely to be affected by the new ordinance, and he noted that the number of nonconforming signs is unknown at this time. City Attorney Zafferano clarified that permanent nonconforming signs would continue to be permitted.

Councilmember Lieberman expressed concern that the new ordinance will require wholesale behavior changes. He also expressed concern regarding the proposed verbiage for window advertising.

City Attorney Zafferano clarified that advertising at home-based businesses would be allowed as long as it complies with the residential sign section of the ordinance. He also clarified that commercial mascots are considered off-site advertising and would not be allowed in the public right-of-way. He also confirmed that animated gas-filled mechanisms would be prohibited.

Community Development stated that mobile billboards would be prohibited and enforcement would be complaint-based. He clarified that the use of neon would be allowed on El Camino Real only. He also noted that A-frame signs are currently allowed, depending on the type of goods and services being advertised. He noted that under the proposed ordinance, they would be allowed on private property in the Village District only.

City Attorney Zafferano clarified that the sign consultant recommended using 6-feet as the regulated size for hand-held signs.

Councilmember Warden stated that he may be in favor of allowing searchlights for special occasions.

In response to Councilmember Braunstein, Community Development Director de Melo explained that the percentage of window signage was discussed at length by the Planning Commission. He noted that concerns were raised that 10 percent may not be sufficient, but this would be a policy issue for the City Council to determine. He also stated that there were concerns about legislating the design of A-frame signs. He clarified that the Commission recommended that plastic signs be prohibited, and that the standards to be provided should be sufficient to address aesthetics. He confirmed that garage sale signs would be allowed only at the site of the sale.

Community Development Director de Melo stated that the plaza at Davey Glen Road and El Camino was operating under a Master Sign Plan, and the Plan could be reviewed and modified if changes are needed to improve visibility. He also explained that the banner spaces over Ralston Avenue are popular and that some groups might be shut out of using them if some organizations are allowed to use them multiple times.

Natalie Mattei, on behalf of Safeway, expressed her confidence that issues can be addressed relative to the proposed sign ordinance.

George Burgess, Belmont Chamber of Commerce, stated that he does not support one ordinance that addresses all types of signs. He also expressed support for increasing the window coverage percentage from 10 percent to 20 percent.

Mary Morrissey-Parden, Belmont Chamber of Commerce, expressed concerns regarding the use of cyclone fences for temporary signs. She stated an easy method for permitting of signs is needed. She recommended addressing the use of signs that reflect Belmont's character that may be nonconforming, as she would like them to continue to be used. She expressed support for avoiding homogenous signage.

Alan Blazei, Belmont business owner, stated that his business draws its clients through the use of temporary signs, which he has had to remove. He questioned the purpose of the ordinance, and stated that regulations restrict him from drawing customers.

Councilmember Warden stated that the new ordinance is likely to be less restrictive than the existing one.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Braunstein, and on a unanimous roll call vote the City Council approved the setting of a Public Hearing to introduce an ordinance amending the existing sign ordinance.

RECESS: 9:00 P.M. (to consider the Belmont Fire Protection District agenda)
RECONVENE: 11:05 P.M.

NEW BUSINESS

Discussion and Direction Regarding City Attorney Services

Due to the late hour, this item was continued.

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments

Due to the late hour, this item was not heard.

Update on High Speed Rail (Verbal)

Due to the late hour, this item was not heard.

Verbal Report from City Manager

Due to the late hour, this item was not heard.

ADJOURNMENT at this time, being 11:05 P.M.

**Terri Cook
City Clerk**

Meeting Tape Recorded and Videotaped
Audio Recording 778